

CITY OF SAN JOSÉ, CALIFORNIA
Department of Planning, Building and Code Enforcement
801 North First Street, Room 400
San José, California 95110-1795

Hearing Date/Agenda Number
P.C. 03-10-2003 Item 3.b.

File Number
PDC 03-012

Application Type
Planned Development Rezoning

Council District
2

Planning Area
Edenvale

Assessor's Parcel Number(s)
678-01-016, 678-02-018 and 678-01-017
(portion)

STAFF REPORT

PROJECT DESCRIPTION

Completed by: Jeff Roche

Location: Easterly side of U.S. 101 , northerly of Metcalf Road

Gross Acreage: ~ 263.6

Net Acreage: See staff report

Net Density: See staff report

Existing Zoning: R-1-1 Residence & A (PD)
Planned Development

Existing Use: Vacant

Proposed Zoning: A(PD) Planned
Development

Proposed Use: Up to 213 single-family detached residences and open space.

GENERAL PLAN

Completed by: JR

Land Use/Transportation Diagram Designation
Non-Urban Hillside, Private Open Space, Medium Low Density
Residential (8 DU/AC), & Medium Density Residential (8-16 DU/AC)

Project Conformance:
☒ Yes ☐ No
☒ See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

Completed by: JR

North: Single-Family Attached and Detached Residential

A (PD) Planned Development

East: Vacant

R-1-1 Residence

South: Vacant

R-1-1 Residence

West: U.S. 101 & Coyote Creek

A-Agriculture & R-1-1 Residence

ENVIRONMENTAL STATUS

Completed by: JR

☒ Addendum to Environmental Impact Report (Pending)
☐ Draft Negative Declaration circulated

☐ Exempt
☐ Environmental Review Incomplete

FILE HISTORY

Completed by: JR

Annexation Title: Riverside No. 5 & Riverside No. 47

Date: 01/06/64 & 03/17/95

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

☐ Approval
☒ Approval with Conditions
☐ Denial
☐ Uphold Director's Decision

Date: _____

Approved by: _____

☐ Action
☒ Recommendation

APPLICANT/OWNER/DEVELOPER

APPLICANTS/OWNERS

Braddock & Logan Group, Inc.
Attn: Joseph Raphael, President
4155 Blackhawk Plaza Circle
Danville, CA 94506

Richard Ceralo
3698 Norwood Avenue
San Jose, CA 95148

Almaden Associates, LLC
Attn: Pete Klein, Chief Financial Officer
7950 Dublin Boulevard # 111
Dublin, CA 94568

PUBLIC AGENCY COMMENTS RECEIVEDCompleted by: Jeff Roche

Department of Public Works

See attached memoranda.

Other Departments and Agencies

See attached memoranda from the City of San Jose Fire Department, [Police Department](#), and Environmental Services Department.

See attached letters from the Santa Clara Valley Transportation Authority

GENERAL CORRESPONDENCE

See attached letters in support of and in opposition to the project from members of the neighborhood.

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

This is a Council Initiated Planned Development rezoning of 263.6 gross acres from R-1-1 Residence District and A(PD) Planned Development to A(PD) Planned Development to allow the development of up to 213 single-family detached residential units, open space, and associated improvements including the extension of Basking Ridge Avenue from the northerly boundary of the site to its terminus in a cul-de-sac approximately 1,300 feet northerly of Metcalf Road.

Prior Approvals

On December 17, 2002, the City Council approved a General Plan Amendment (File No. GP01-02-01) and a Planned Development Zoning (File No. PDC 01-10-098) to allow 200 housing units on approximately 257 acres and the extension of Basking Ridge Avenue through the site to Metcalf Road. Strong community concern regarding the project expressed at community meetings and during the public hearing process focused on the connection of Basking Ridge Avenue to Metcalf Road and the traffic that this connection could potentially bring through the existing neighborhood located to the north of the subject site. In approving the General Plan amendment and rezoning application, the City Council directed staff to initiate the following General Plan amendments and rezoning to allow consideration of a project redesigned to eliminate the connection of Basking Ridge Avenue to Metcalf Road:

1. General Plan Amendments to delete the Major Collector designation for Basking Ridge Avenue, and also to delete the Metcalf/101 Interchange from the General Plan Transportation Diagram.
2. A Rezoning to reflect Council action related to the designation of Basking Ridge Avenue on the General Plan. The Council also directed that the Rezoning should limit all development south of the existing Basking Ridge neighborhood to a maximum of 213 housing units.

The current rezoning application and the associated General Plan amendment (File No. GP03-02-01) for the Deletion of the Major Collector designation of Basking Ridge fulfill this Council direction. Staff has initiated a second General Plan Amendment (File No. GP03-02-02) for deletion of the Metcalf/101 Interchange which has

not yet been analyzed or agendized for a General Plan hearing. Although the rezoning was officially initiated by the City Council, the plans were prepared by the developer, the Braddock and Logan Group, Inc., which is referenced in this report as the applicant.

New Planned Development Zoning

The proposed Planned Development Zoning differs from the prior rezoning approval in two primary areas. First, the revised project terminates Basking Ridge Avenue in a cul-de-sac approximately 1,300 feet northerly of Metcalf Road and eliminates the housing units previously proposed south of the cul-de-sac. Access for emergency vehicles only is provided from the proposed Basking Ridge cul-de-sac to Metcalf Road. Second, the applicant has incorporated the *Ceralo property* into the subject site. This approximately 6.5 acre property, located adjacent to U.S. Highway 101, allows the extension of Basking Ridge Road to be located further to the west, thus avoiding impacts to wetlands that could not be avoided with the prior project. Inclusion of the property also allows an additional 13 dwelling units, resulting in a maximum project total of 213 units. The portion of the total project site currently proposed for development is approximately 47.6 acres. The remainder of the site, approximately 216 acres located to the east and south of the area proposed for development and generally located above the 15 percent slope line, is proposed to be dedicated to an open space preservation organization as permanent open space.

As shown on the Conceptual Site Plan (Sheets 3A and 3B) and Conceptual Grading Plan (Sheets 4A through 4 D), the project developer has proposed to build up to 213 small-lot, single-family residences in three relatively distinct areas of the subject site. All streets within the project are proposed to be public streets.

Existing Conditions, Surrounding Uses, and Access

The project site includes approximately 263.6 gross acres of grassland with scattered oaks stretching from the existing southerly terminus of Basking Ridge Avenue to Metcalf Road. Slopes range from 5 to 15 percent along the westerly edge of the site, becoming steeper as they proceed east. Riparian vegetation borders an unnamed tributary to Coyote Creek along the northerly site boundary. Seasonal wetlands, freshwater marshes and freshwater seeps exist on the site primarily along the westerly edge of the project.

The remnants of the buildings and structures from the era of the Twin Oaks Dairy currently exist on portions of the property. A 34-inch, high-pressure natural gas pipeline traverses the westerly portion of the site in a north/south direction. A high tension power line is located easterly of the gas line running the length of the site and crossing the future Basking Ridge Avenue at the southerly property boundary. An abandoned Santa Clara Valley Water District canal zigzags through the site in a north/ south direction.

The site is bordered on the north by the Shea Homes/Basking Ridge residential community consisting of approximately 600 single-family and townhouse residences and the adjacent public school and park; on the east by vacant hillside ranch land, on the south by Metcalf Road and the Santa Clara County Motorcycle Park; and on the west by U.S. Highway 101, Coyote Creek and the Coyote Creek Park Chain.

Public street access to the site is currently provided from Basking Ridge Avenue that stubs into the northerly site boundary.

GENERAL PLAN CONFORMANCE

The proposed rezoning is consistent with the San Jose 2020 General Plan Land Use/Transportation Diagram designations of Non-Urban Hillside, Private Open Space, Medium Low Density Residential (8 DU/AC), and

Medium Density Residential (8-16 DU/AC). Basking Ridge Avenue is currently designated on the San Jose 2020 General Plan Land Use/Transportation Diagram as a Major Collector extending between Silicon Valley Boulevard on the north and Metcalf Avenue on the south. The current proposal to end the street in a cul-de-sac north of Metcalf Road is not consistent with this General Plan designation. City Council approval of the pending General Plan Amendment to delete the Major Collector designation (File No. GP03-02-01) would result in this rezoning being in conformance with the General Plan. This General Plan Amendment is scheduled to be heard by the Planning Commission and City Council immediately prior to the subject Planned Development Zoning.

PUBLIC OUTREACH

A Community Meeting was held for the subject Planned Development Rezoning on February 25, 2003. Approximately 50-60 residents attended the meeting at which the applicant presented the redesigned project. The neighborhood residents in attendance expressed strong support for the new project. Staff subsequently received a number of letters regarding the project, several in support and one in opposition (see attached).

Notices of the public hearings on the project before the Planning Commission and City Council were published, posted on the City of San Jose web site, and distributed to the owners and tenants of all properties located within 1,000 feet of the project site. This expanded noticing included all residents and property owners in both the Pinn Brothers (located at the southeasterly corner of Silicon Valley Boulevard and Basking Ridge Avenue) and Shea Homes (Basking Ridge) projects.

ENVIRONMENTAL REVIEW

An Environmental Impact Report (EIR) was prepared for the prior project. That EIR identified air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, and noise as impacts that are potentially significant, but that are less than significant with mitigation. The EIR identified that the conversion of this vacant grassland site to housing will result in a significant unavoidable aesthetic impact and a significant unavoidable land use impact due to the loss of open space. The EIR concluded that this project, together with reasonably foreseeable projects, would result in significant unavoidable cumulative impacts in the areas of traffic, air quality, aesthetics, and loss of open space. The EIR was certified on appeal by the City Council on December 17, 2002.

Pursuant to the State of California, California Environmental Quality Act (CEQA) Guidelines, an Addendum has been prepared to address the potential environmental impacts of the re-designed and slightly larger project. Additional reports were prepared to address both traffic and geologic hazards issues, and these reports have been reviewed by the Public Works Department. Based upon that review, the Director of Planning concluded that an Addendum to the Final Environmental Impact Report was appropriate.

In order to approve the current project, the City Council will need to include Overriding Considerations in its Resolution of Findings for those significant project and cumulative impacts that cannot be avoided.

ANALYSIS

The main issues associated with this proposal are: site design, traffic and traffic calming, infrastructure, utility easements, open space preservation, and emergency response.

Site Design

Site design for this project is constrained by an unusual number of complex factors including: sensitive habitat, geologic constraints, and utility easements. The current proposal responds to all of these issues as discussed below.

Impacts on Sensitive Habitat

The prior project included residential development at the southerly end of the site, adjacent to an identified, sensitive habitat area. The current project no longer shows development at the southerly end of the site. The units previously shown in that area have been relocated to other parts of the project site. The applicant has proposed to utilize an existing farm road alignment for the new emergency vehicle access, in order to avoid the sensitive habitat area. The inclusion of the Ceralo property in the current Planned Development Zoning allows greater flexibility for the location of the new segment of Basking Ridge Avenue, resulting in avoidance of an existing pond and reduced wetland impacts.

Setbacks and Geologic Constraints

A Geologic Hazard Clearance was issued by the Director of Public Works for the prior rezoning project (File No. PDC 01-10-098). The conditions of the current rezoning require that the applicant obtain a Geologic Hazard Clearance Addendum to address the Ceralo property and other changes to the project prior to the issuance of a Planned Development Permit. The conditions of this Clearance, which may include supplemental geologic evaluation, slope stabilization, surface and subsurface drainage control, offsite improvements, use restrictions, erosion control and/or maintenance guarantees for private improvements, will be required to be implemented to the satisfaction of the Director of Public Works. The Clearance will establish a minimum 25-foot fault setback zone for any identified thrust fault or tension crack on the Ceralo property to ensure that habitable structures are appropriately sited. The requirements of the Geologic Hazard Clearance Addendum may result in a reduction in the number of lots that can be implemented on the site.

Based on the proposed zoning requirement for a Geologic Hazards Clearance Addendum including minimum fault line setbacks, staff has concluded that the proposed project has adequately addressed potential geologic impacts and will implement appropriate mitigation measures.

High Pressure Gas Pipeline and other Utility Easements

The site contains a PG & E, high-pressure gas pipeline that runs in a zigzag line across the site from north to south. The Planning Department's Policy (attached) for the development of land in proximity to high-pressure natural gas pipelines imposes reasonable constraints on the intensity and type of occupancy in close proximity to high-pressure natural gas pipelines. The Guidelines recommend that only buildings having a low-density occupancy load (such as single-family or multi-family residential) and two stories or less in height should be allowed within 250 feet of the edge of the pipeline easement.

The developer is working with PG&E to relocate the high-pressure gas pipeline to the westerly side of the future extension of Basking Ridge Avenue. The nearest proposed residences would be located along the easterly side of the extension of Basking Ridge Avenue, and would be separated from the edge of the easement for the pipeline by the new public street. All structures within this project are two stories or less in height in conformance with the Guidelines. For these reasons, staff has concluded that the project is in conformance with the *City's Guidelines for Development in Proximity to High Pressure Natural Gas Pipelines*.

Traffic and Traffic Calming Measures

The current rezoning and pending General Plan amendment were initiated by the City Council in response to concerns of neighborhood residents regarding increased traffic and traffic safety. Working with City staff, the project developer has proposed a revised plan to address both the issues of traffic and traffic calming. Additionally, as result of the traffic analysis prepared for the revised project, additional operational improvements have been included in the project requirements. These issues are discussed below.

Connection of Basking Ridge Avenue to Metcalf Road

The current proposal includes no vehicular connection between the southerly terminus of Basking Ridge Avenue and Metcalf Road with the exception of a 1,300-foot long emergency vehicle access. The current site plan has been reviewed by all City departments and had been deemed acceptable at a conceptual level. The design of the emergency access will be reviewed in greater detail at the Planned Development Permit stage to ensure that all emergency vehicle access standards (including "all weather" access, maximum slope, drainage, surface materials, and ability to support a fire truck) are met. Staff will also be working with the applicant to ensure that the easements and design for this access include the potential for pedestrian access, but preclude motorcycles and non-emergency vehicular access. The maintenance of this access road is proposed to be included in the Community Facilities District.

Traffic Calming/Cut-Through Traffic and Traffic

In response to concerns raised by the neighborhood, the City's Departments of Public Works and Transportation are continuing to explore traffic-calming measures to be incorporated into the design of Basking Ridge Avenue to slow traffic, discourage cut-through traffic and increase traffic safety. Measures under consideration include stop signs, jogs in the roadway, split medians, tree placement, and bulb-outs at intersections. These measures will be reviewed in greater detail and incorporated into the project design through future Planned Development Permit and roadway Public Improvement Plans processes. Safe crossings for pedestrians to access the Coyote Creek Park are also necessary, and City staff will be working with the developer to make sure that safe crossings (possibly including stop signs and crosswalks) are provide by the project. Traffic calming measures are also under consideration for the existing portion of Basking Ridge Avenue to ensure an integrated approach along the full length of the street, a concept previously reviewed with the existing Basking Ridge neighborhood.

Off-site Traffic Improvements

The revised traffic analysis for this rezoning indicated the need for additional operational improvements at two locations. Turn pockets need to be extended/constructed at the intersection of Basking Ridge Avenue and Silicon Valley Boulevard and an additional operational improvement is needed at the intersection of Eden Park Place and Silicon Valley Boulevard. This improvement is already planned to be reconstructed by the Edenvale Improvement District; consequently, the applicant will not be required to construct the improvement but will contribute \$60,000 towards the improvement. The draft conditions for the proposed rezoning reflect these requirements.

Infrastructure to Serve the Project

Sanitary Sewer

Due to the elevation of existing sanitary sewer facilities relative to the project site, a sanitary sewer pump will be necessary to provide services to the proposed project. The approved Planned Development Zoning specifies

that the cost for maintenance of this facility would be born by the future project homeowners through a Community Facilities District (CFD). Staff has included a condition in attached *Draft Uses and Development Regulations* for the current rezoning requiring the formation of a CFD to provide on-going funding for maintenance of any required sanitary sewer pump station.

Storm Sewer

The Public Works Department has indicated that a revised hydrology study of the project area will be required at the Planned Development Permit stage. Public Works has also concluded that, because of the design of the storm drainage system, which includes drains at the toe of the slopes between the hillside and the bulbs of the cul-de-sac streets, continual unclogging of the drains to remove mud from slope erosion will be required. Due to the unusual maintenance requirements associated with this design, a Community Facilities District (CFD) would be the appropriate way to finance the upkeep of this storm drainage system and the cul-de-sac streets.

Open Space

The approximately 216 acres of the site proposed as permanent open space will be dedicated to the Santa Clara County Open Space Authority or other open space preservation organization, with a conservation easement placed over the entire ~ 216 acres to ensure permanent preservation. Staff has concluded that this is an acceptable solution in keeping with the City's Open Space Preservation goals and policies. A firebreak between the easterly residential units and the adjoining hills will be maintained. Additional private open space is proposed between Basking Ridge Avenue and the property's western boundary. This area should be fully landscaped to help screen the development from U.S. 101, and improve the visual aesthetics of the project as viewed from U.S. 101. Maintenance of this landscaped area and other lighting improvements and amenities should be the responsibility of the Community Facilities District.

Emergency Response

The Fire Department has identified that the first fire response to this project will take approximately 5 minutes. While this is longer than the target citywide 4 minute first response, staff notes that the City Council has determined this area is appropriate for urban development originally for industrial development, and ultimately for single-family residential, through its approval of the existing Basking Ridge residential development to the north, and the recent General Plan amendment to increase the allowed density on the subject site. The City's siting of Fire Station 27 at Bernal and San Ignacio provided the first response capability of 5 minutes. Achievement of the 4 minute first response time continues to be a challenge for most locations along the outer edges of the urbanized area. The City Council through its adoption of the Fire Department's citywide Fire Services Master Plan and actions on Fire Department budget requests, determines how City resources will be allocated to improve emergency response..

Conclusion

Based on the above analysis, staff concludes that the site plan presented by the project developer has addressed the majority of the concerns raised by staff, other agencies and the neighborhood. Staff further concludes that the formation of a Community Facilities District (CFD) would address the ongoing funding for the maintenance of the cul-de-sac streets, a fire break between the easterly residential units and the adjoining hills, the emergency vehicle access between the southerly terminus of the extension of Basking Ridge Avenue and Metcalf Road, and sanitary and storm sewer systems necessary to serve the project.

RECOMMENDATION

Planning staff recommends that the City Council approve the subject rezoning for the following reasons:

1. If General Plan Amendment File No. GP 03-02-01 for deletion of the Major Collector designation from Basking Ridge is approved by the City Council, the proposed project allowing up to 213 dwelling units, is consistent with the San José 2020 General Plan Land Use/Transportation Diagram.
 2. The proposed project meets the intent of the Residential Design Guidelines.
 3. The proposed rezoning is compatible with existing and proposed uses on the adjacent and neighboring properties.
 4. As conditioned, the proposed Planned Development Rezoning will adequately address traffic calming and traffic concerns raised by the neighborhood along the future extension of Basking Ridge Avenue.
 5. As conditioned, a Community Facilities District (CFD) will adequately address the annual and long-term maintenance issues associated with the cul-de-sacs streets, storm drainage system, a fire break between the easterly residential units and the adjoining hills, the emergency vehicle access between the southerly terminus of the extension of Basking Ridge Avenue and Metcalf Road, and sanitary sewer system and pump station.
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